

JOINT RULES OF THE SOUTH DAKOTA LEGISLATURE

Cell Phone Usage

1A-9. Cellular telephones ~~prohibited~~. Cellular telephones may not be used in either chamber or gallery while the Legislature is in session, except for silent functions that do not distract others.

Prison & Jail Population Cost Estimates for Class 1 Misdemeanors

6C-1.1. Request for fiscal note or prison or jail population cost estimate by any member. A fiscal note or prison or jail population cost estimate may be requested by:

- (1) The presiding officer when a bill, amendment, or resolution is introduced;
- (2) The chair of the standing committee possessing the bill, amendment, or resolution;
- (3) A majority vote of the standing committee possessing the bill, amendment, or resolution; or
- (4) A legislator, if the legislator is supported by a vote of one-fifth of the body before the second reading of the bill or resolution.

New Section

6C-1.3. Prison or jail population cost estimates. A prison or jail population cost estimate may be requested pursuant to Joint Rule 6C-1.1 for any bill or amendment with a Class 1 misdemeanor penalty that may impact the state prison or county jail population. The cost estimate shall be prepared pursuant to §§ 2-1-19 and 2-1-20.

Additional Bills to be Considered by Joint Committee on Appropriations

6D-1. Referral of bills and resolutions to standing committees. Unless otherwise ordered, each bill or joint resolution shall be referred to a standing committee after its first reading.

If any member introduces an appropriation bill, the bill shall be referred directly to a standing committee. If any Committee on Appropriations introduces an appropriation bill, the presiding officer of the house of origin may waive referral to a standing committee. If an ~~appropriation~~ a bill has received final disposition from the Joint Committee on Appropriations, the presiding officer may waive the referral of the bill to a standing committee.

For the purposes of the Joint Rules, an appropriation bill is any bill that appropriates money from public funds and that appropriation is expressed in the title of the bill.

The presiding officer may waive the referral of concurrent resolutions to a standing committee. A copy of any concurrent resolution shall be posted to the Legislative Research Council internet site before the resolution is acted upon.

7-12. Joint committee on appropriations. The Joint Committee on Appropriations, consisting of the Senate and House Committees on Appropriations, is deemed to be a standing committee of the Senate and House of Representatives for the limited purposes of hearing agency or other budget presentations, and introducing, hearing, or acting on appropriations bills that authorize the sale of state property, appropriate money, or adjust school district property tax levies pursuant to an appropriations bill. All Joint Committee on Appropriations action shall be approved by a majority vote of the Joint Committee unless a member calls for a separate vote of the House Committee on Appropriations and the Senate Committee on Appropriations in which case a majority vote of each committee is required to adopt the action.

Each agenda for the Joint Committee on Appropriations shall be approved by the chair of the Senate Committee on Appropriations and the chair of the House Committee on Appropriations. The respective vice chair of each committee may sign in the absence of the chair.

17-1. Exceptions to deadlines for appropriation bills. Any general appropriation bill and any bill that adjusts school district property tax levies pursuant to an appropriations bill is not subject to the legislative deadlines of C, E, F, I, J, and K, in this chapter, except that the general appropriation bill requested by the Governor shall be subject to legislative deadline C.

Any ~~appropriation~~ bill that is not a general appropriation bill, which is referred to or reported to the floor by the ~~House Appropriations, the Senate Appropriations or the Joint~~ Committee on Appropriations, is subject to the following legislative deadlines, in lieu of the legislative deadlines of E and F, in this chapter:

- (1) Last day to move required delivery of bills by a committee to the house of origin: 31st Day;
- (2) Last day to pass bills by the house of origin: 32nd Day.

***** New Section *****

Amendments in Committee

7-29. Motion to delay action on amendments. Final action upon any amendment to a bill or resolution, which amendment was not delivered by hand or electronically to committee members by 5 p.m. of the day prior, may not be taken until one legislative day has intervened, if a request for delay is made and supported by at least one-fifth of committee members. However, no such request is in order during the last scheduled meeting of a committee before any applicable requirement to deliver bills or resolutions to the house of origin or the second house.

Sen. Nelson Proposal

*** New Section ***

Sexual Contact

1B-3.1 Sexual contact prohibited. No legislator or legislative employee may have sexual contact with any legislative intern or page, and no legislative intern may have sexual contact with a page. Any violation shall be reported within 2 hours of violation or knowledge, as follows:

(1) For a member of the Senate, a written report to the Senate president pro tempore, and the majority and minority leaders of the Senate;

(2) For a member of the House of Representatives, a written report to the speaker of the House, and the majority and minority leaders of the House of Representatives;

(3) For a Legislative Research Council employee, a written report to the Director of the Legislative Research Council and the Executive Committee of the Executive Board;

(4) For an employee or legislative intern of the Senate, a written report to the Senate president pro tempore, the majority and minority leaders of the Senate, and the Director of the Legislative Research Council; and

(5) For an employee or legislative intern of the House of Representatives, a written report to the speaker of the House, the majority and minority leaders of the House of Representatives, and the Director of the Legislative Research Council.

If a select committee on discipline and expulsion determines a member violated this section, it shall demand expulsion of the member in its committee report and the intern or page shall be dismissed from service.

Rep. Mickelson Proposal

*** New Section ***

Sexual Contact

Rep. Mickelson proposal:

1B-3.1 Prohibited contact. A member of the Legislature may not have sexual contact with any legislative intern or page. A member of the Legislature may not have sexual contact with any other legislative employee unless the legislative employee is the legislator's spouse. A legislator with firsthand knowledge of a violation of this section shall report the violation in writing to the president pro tempore of the Senate if the violation was committed by a member of the Senate, or the speaker of the House if the violation was committed by a member of the House of Representatives. Failure to report firsthand knowledge of a violation of this section, or falsely reporting a violation of this section, is a violation of Joint Rule 1B-1. The provisions of this section apply only to prohibited sexual contact occurring during the previous five (5) years.

Sexual Harrassment

3-7. Sexual harassment prohibited. All employees are responsible for ensuring that the workplace is free from sexual harassment. All employees shall avoid any action or conduct which could be viewed as sexual harassment. An employee shall report any sexual harassment complaint within one year of its occurrence. Such complaints may be reported to:

- (1) ~~the~~ The president pro tempore of the Senate, in the case of a Senate employee;
- (2) The speaker of the House, in the case of a House employee;
- (3) Any legislator who supervises House or Senate employees, respectively;
- (4) A majority or minority party legislative secretary; or
- (5) The Legislative Research Council Director, Deputy Director, or intern coordinators.

Any complaints received pursuant to (3), (4), or (5) shall be reported promptly, in writing, by the recipient of the complaint to the president pro tempore of the Senate or the speaker of the House, respectively-or any supervisor. If the situation is not resolved, the employee shall forward the complaint to the Executive Board of the Legislative Research Council. The provisions of this section apply only to complaints which are made on a timely basis under the provisions of this section.

***** New Section *****

Vote Trading or “Logrolling”

1B-3.1. Vote trading or “logrolling” prohibited. No legislator may give, offer, or promise to give his or her vote or influence in favor of or against any candidate for any office or position elected or appointed by the Legislature, or any bill, resolution, or amendment pending or proposed to be introduced in the Legislature in consideration or upon condition that any other legislator will give, promise, or agree to give his or her vote or influence in favor of or against any other candidate for any office or position elected or appointed by the Legislature, or any bill, resolution, or amendment pending or proposed to be introduced in the Legislature. Any legislator found to have violated this provision pursuant to the rules of the Chamber and Mason’s Manual of Legislative Procedure shall be recommended for expulsion.

